

LEGISLATIVE CONSTRUCTION

Section 7(e) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: "An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof."

PAY, ALLOWANCES, COMPENSATION, OR ANNUITY

Section 7(f) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: "The enactment of this Act does not increase or decrease the pay, allowances, compensation, or annuity of any person."

SEPARABILITY

Section 7(g) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, provided that: "If a provision enacted by this Act is held invalid, all valid provisions that are separable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications."

APPLICABILITY TO COMMISSIONED OFFICERS OF PUBLIC HEALTH SERVICE AND COAST AND GEODETIC SURVEY

Section 7(h) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: "Sections 1-6 of this Act shall be construed to apply to commissioned officers of the Public Health Service and commissioned officers of the Coast and Geodetic Survey [now the National Oceanic and Atmospheric Administration] to the same extent that the laws replaced by those sections applied to these officers immediately before the date of enactment of this Act [Sept. 6, 1966]."

REPEALS

Section 8(a) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, repealed the sections or parts thereof of the Revised Statutes or Statutes at Large codified in this title, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before Sept. 6, 1966, and except as provided by section 7 of Pub. L. 89-554.

Section 8(c) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: "The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal."

CONTINUATION OF RIGHT TO DEFERRED ANNUITY

Section 8(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, provided that: "The right to a deferred annuity on satisfaction of the conditions attached thereto is continued notwithstanding the repeal of the law conferring the right."

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 90-83; LEGISLATIVE PURPOSE; INCONSISTENT PROVISIONS; CORRESPONDING PROVISIONS; SAVINGS AND SEPARABILITY OF PROVISIONS

Section 9(a)-(g) of Pub. L. 90-83, Sept. 11, 1967, 81 Stat. 222, provided that:

"(a) The legislative purpose in enacting sections 1-8 of this Act is to restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after February 21, 1967, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency.

"(b) A reference to a law replaced by sections 1-8 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

"(c) An order, rule, or regulation in effect under a law replaced by sections 1-8 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

"(d) An action taken or an offense committed under a law replaced by sections 1-8 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

"(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

"(f) The enactment of this Act does not increase or decrease the pay, allowances, compensation, or annuity of any person.

"(g) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications."

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 2 sections 353, 437c, 622; title 7 sections 84, 1765a, 1988, 2007b, 6981; title 10 sections 1408, 1590, 1601, 1604, 2164; title 12 sections 1422b, 1795f, 1821, 2278a-3, 2279aa-3, 2405, 3307; title 14 section 186; title 15 sections 634d, 648, 649a, 2206, 2451; title 16 sections 410cc-36, 410ww-24, 410ccc-22, 469j, 583j-1, 742f, 1401, 3702, 4005, 4604; title 18 sections 202, 3006A; title 20 sections 76k, 80g, 80o, 80q-4, 964, 971, 1004, 1098, 1134, 1135a-1, 1135d-3, 1213c, 1221e, 1417, 1505, 3413, 3425, 3461, 4416, 5509, 5826, 5848, 6011, 6021, 6031, 9011; title 21 section 394; title 22 sections 1622d, 2124c, 2421, 2581, 2905, 3008, 3642, 3664, 4606, 4823, 5421, 6204, 6207; title 24 section 417; title 25 sections 640d-11, 1661, 2021, 2022, 2704, 2707, 3113, 3505, 3731; title 26 sections 7471, 9010, 9040; title 28 sections 375, 561, 625, 1877; title 29 sections 761a, 783, 797a, 1774; title 31 sections 301, 732, 733; title 33 section 1123; title 36 sections 1405, 1406, 5202; title 38 sections 106, 707, 4103, 4312, 4322, 5303A, 7281, 7403, 7406, 7425, 7453, 7802; title 40 sections 136, 873, 1106; title 41 section 422; title 42 sections 217a, 237, 282, 285a-2, 285a-4, 285b-3, 288-4, 290aa, 299c-1, 299c-4, 300v-2, 903, 904, 907a, 1314, 1320a-4, 1320b-9, 1320c-2, 1395w-1, 1395oo, 1395ww, 1863, 1975b, 2000e-4, 2210, 3015, 3525, 3533, 3788, 4025, 4372, 4768, 5149, 5404, 5667g-2, 7231, 7412, 8104, 10704, 12314, 12373, 12619, 12651e, 12651f, 14196; title 43 section 1731; title 46 App. sections 41, 1295g; title 49 sections 325, 32306; title 50 section 2081; title 50 App. section 2153.

PART I—THE AGENCIES
GENERALLY

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CHAPTER 1—ORGANIZATION

Sec.	
101.	Executive departments.
102.	Military departments.
103.	Government corporation.
104.	Independent establishment.
105.	Executive agency.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 section 2225a; title 19 section 2571.

§ 101. Executive departments

The Executive departments are:
The Department of State.

¹Pub. L. 90-83 added section 500 to chapter 5 without making a corresponding change in Part analysis.

²Editorially supplied. Chapter 6 added by Pub. L. 96-354 without a corresponding amendment of Part analysis.

The Department of the Treasury.
 The Department of Defense.
 The Department of Justice.
 The Department of the Interior.
 The Department of Agriculture.
 The Department of Commerce.
 The Department of Labor.
 The Department of Health and Human Services.
 The Department of Housing and Urban Development.
 The Department of Transportation.
 The Department of Energy.
 The Department of Education.
 The Department of Veterans Affairs.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378; Pub. L. 89-670, §10(b), Oct. 15, 1966, 80 Stat. 948; Pub. L. 91-375, §6(c)(1), Aug. 12, 1970, 84 Stat. 775; Pub. L. 95-91, title VII, §710(a), Aug. 4, 1977, 91 Stat. 609; Pub. L. 96-88, title V, §508(b), Oct. 17, 1979, 93 Stat. 692; Pub. L. 100-527, §13(b), Oct. 25, 1988, 102 Stat. 2643.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1.	R.S. §158. Feb. 9, 1889, ch. 122, §1 (38th through 54th words), 25 Stat. 659. Feb. 14, 1903, ch. 552, §1 (83d through 99th words), 32 Stat. 825. Mar. 4, 1913, ch. 141, §1 (75th through 91st words), 37 Stat. 736. Aug. 10, 1949, ch. 412, §4 "Sec. 201(c)", 63 Stat. 579. July 31, 1956, ch. 802, §1(a), 70 Stat. 732. R.S. §159.
.....	5 U.S.C. 2.	

The reference in former section 1 to the application of the provisions of this title, referring to title IV of the Revised Statutes, is omitted as unnecessary as the application of those provisions is stated in the text.

The statement in former section 2 that the use of the word "department" means one of the Executive departments named in former section 1 is omitted as unnecessary as the words "Executive department" are used in this title when Executive department is meant.

"The Department of Commerce" is substituted for "The Department of Commerce and Labor" on authority of the act of March 4, 1913, ch. 141, §1, 37 Stat. 736.

AMENDMENTS

1988—Pub. L. 100-527 inserted "The Department of Veterans Affairs."

1979—Pub. L. 96-88 substituted "Department of Health and Human Services" for "Department of Health, Education, and Welfare" and inserted "The Department of Education."

1977—Pub. L. 95-91 inserted "The Department of Energy."

1970—Pub. L. 91-375 struck out "The Post Office Department."

1966—Pub. L. 89-670 inserted "The Department of Housing and Urban Development." and "The Department of Transportation."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L.

96-88, set out as an Effective Date note under section 3401 of Title 20, Education.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-670 effective Apr. 1, 1967, as prescribed by the President and published in the Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89-670 and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

PROHIBITION AGAINST CONSTRUCTION THAT WOULD RENDER APPLICABLE TO THE DEPARTMENT OF TRANSPORTATION PROVISIONS OF LAW INCONSISTENT WITH PUB. L. 89-670 CREATING THE DEPARTMENT OF TRANSPORTATION

Section 10(c) of Pub. L. 89-670 provided that: "The amendment made by subsection (b) of this section [amending this section] shall not be construed to make applicable to the Department any provision of law inconsistent with this Act [Pub. L. 89-670]."

CROSS REFERENCES

Attorney General to advise heads of executive departments, see section 512 of Title 28, Judiciary and Judicial Procedure.

Definition of department—

Administrative Expenses Act of 1946, see section 5a of Title 41, Public Contracts.

Crimes and Criminal Procedure, see section 6 of Title 18, Crimes and Criminal Procedure.

Departmental provisions—

Agriculture, see section 2201 et seq. of Title 7, Agriculture.

Commerce, see section 1501 et seq. of Title 15, Commerce and Trade.

Defense, see section 111 et seq. of Title 10, Armed Forces.

Education, see section 3401 et seq. of Title 20, Education.

Energy, see section 7101 et seq. of Title 42, The Public Health and Welfare.

Health and Human Services, see section 3501 et seq. of Title 42, The Public Health and Welfare.

Housing and Urban Development, see section 3531 et seq. of Title 42.

Interior, see section 1451 et seq. of Title 43, Public Lands.

Justice, see section 501 et seq. of Title 28, Judiciary and Judicial Procedure.

Labor, see section 551 et seq. of Title 29, Labor.

State, see section 2651 et seq. of Title 22, Foreign Relations and Intercourse.

Transportation, see section 101 et seq. of Title 49, Transportation.

Treasury, see section 301 et seq. of Title 31, Money and Finance. Internal revenue authority, see section 7801 of Title 26, Internal Revenue Code.

Veterans Affairs, see section 301 et seq. of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 sections 115, 351, 1030, 6001; title 28 section 451; title 31 sections 1343, 1344; title 36 section 175; title 41 sections 403, 601; title 42 sections 8262c, 10156, 10222.

§ 102. Military departments

The military departments are:

The Department of the Army.

The Department of the Navy.

The Department of the Air Force.
(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “military departments” each time it is used in this title. See section 101(7) of title 10.

CROSS REFERENCES

Attorney General to advise Secretaries of military departments, see section 513 of Title 28, Judiciary and Judicial Procedure.

Organization—

Air Force, see section 8011 et seq. of Title 10, Armed Forces.

Army, see section 3011 et seq. of Title 10.

Navy, see section 5011 et seq. of Title 10.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 sections 638, 3703; title 18 section 6001; title 26 section 6050M; title 29 sections 203, 633a; title 31 section 1344; title 35 section 201; title 36 section 175; title 38 section 4303; title 41 sections 48b, 403, 601; title 42 sections 2000e-16, 10156, 10222.

§ 103. Government corporation

For the purpose of this title—

(1) “Government corporation” means a corporation owned or controlled by the Government of the United States; and

(2) “Government controlled corporation” does not include a corporation owned by the Government of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Government corporation” and “Government controlled corporation” each time it is used in this title.

CROSS REFERENCES

Federal Crop Insurance Corporation, see section 1501 et seq. of Title 7, Agriculture.

Government Corporation Control provisions, see section 9101 et seq. of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 1132f; title 26 section 6402; title 31 sections 1344, 3720A; title 42 section 12651.

§ 104. Independent establishment

For the purpose of this title, “independent establishment” means—

(1) an establishment in the executive branch (other than the United States Postal Service or the Postal Rate Commission) which is not an Executive department, military department, Government corporation, or part thereof, or part of an independent establishment; and

(2) the General Accounting Office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379; Pub. L. 91-375, § 6(c)(2), Aug. 12, 1970, 84 Stat. 775.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “independent establishment” each time it is used in this title.

Certain agencies are not independent establishments under the definition since they are constituent agencies or parts of an independent establishment. However,

these agencies would continue to be subject to the provisions of this title applicable to the independent establishment of which they are a constituent or part. Also, the definition does not expand or abridge any rights or authority possessed by these agencies as no substantive changes are intended, see section 7(a) of the bill.

AMENDMENTS

1970—Par. (1). Pub. L. 91-375 inserted “(other than the United States Postal Service or the Postal Rate Commission)” after “executive branch”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

CROSS REFERENCES

General Accounting Office, see section 701 et seq. of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 41 sections 403, 601.

§ 105. Executive agency

For the purpose of this title, “Executive agency” means an Executive department, a Government corporation, and an independent establishment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Executive agency” each time it is used in this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 306, 5948 of this title; title 7 section 2132; title 12 section 1749bbb-10b; title 15 sections 638, 3301, 3703, 4901, 5802; title 16 section 2602; title 22 sections 2685, 3641; title 29 sections 203, 633a; title 31 section 1353; title 35 section 201; title 38 sections 4211, 4303; title 40 section 913; title 41 section 48b; title 42 sections 2000e-16, 4071, 4902, 6361, 6964, 7911, 8241, 8802, 10101; title 43 section 2003; title 50 section 1601.

CHAPTER 3—POWERS

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301.	Departmental regulations.
302.	Delegation of authority.
303.	Oaths to witnesses.
304.	Subpenas.
305.	Systematic agency review of operations.
306.	Strategic plans.

AMENDMENTS

1993—Pub. L. 103-62, § 11(a), Aug. 3, 1993, 107 Stat. 295, added item 306.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.